

Introduced by Senator Hollingsworth

February 22, 2005

An act to add Section 1520.10 to the Health and Safety Code, and to add Section 5058.05 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1046, as introduced, Hollingsworth. Sex offenders: group homes: parole facilities.

(1) Under the existing California Community Care Facilities Act, the State Department of Social Services generally regulates the licensure and operation of community care facilities, including group homes. Under existing law, a violation of these provisions is a misdemeanor.

The act requires any person desiring a license for a community care facility to file an application with the department that includes, among other things, evidence satisfactory to the department that the applicant is of reputable and responsible character. The act requires that evidence to include a criminal record clearance. The act requires applicants for a group home facility license to meet additional requirements.

This bill would prohibit a person convicted of a felony from owning, operating, managing, or being employed within a group home where one or more convicted sex offenders are placed or reside. By changing the definition of a crime, this bill would impose a state-mandated local program. If one or more convicted sex offenders are placed or reside in a group home, the bill would authorize the department to revoke the license of that group home if the owner, operator, manager, or any employee of the group home is a convicted felon.

(2) Existing law generally authorizes the Director of Corrections to prescribe and amend rules and regulations for the administration of parole and requires the director to maintain, publish, and make available to the general public, a compendium of those rules and regulations.

This bill would prohibit a person convicted of any felony from owning, operating, managing, or being employed within a residential facility under contract with the Department of Corrections for placement of persons released on parole if those persons placed or residing in the facility include one or more convicted sex offenders. The bill would also require the director to adopt rules and regulations, as necessary, to further that objective.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1520.10 is added to the Health and
2 Safety Code, to read:
3 1520.10. (a) A person convicted of a felony shall not own,
4 operate, manage, or be employed within a group home where one
5 or more convicted sex offenders are placed or reside.
6 (b) If one or more convicted sex offenders are placed or reside
7 in a group home, the department may revoke the license of that
8 group home if the owner, operator, manager, or any employee of
9 the group home is a convicted felon.
10 SEC. 2. Section 5058.05 is added to the Penal Code, to read:
11 5058.05. (a) A person convicted of any felony shall not own,
12 operate, manage, or be employed within a residential facility
13 under contract with the Department of Corrections for placement
14 of persons released on parole if those persons placed or residing
15 in the facility include one or more convicted sex offenders.
16 (b) The director shall adopt rules and regulations, as
17 necessary, to further the objectives of subdivision (a).

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

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